

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DAVID DARRELL SYKES,

Petitioner,

V.

STATE OF WASHINGTON, STEVE  
SINCLAIR, and DONALD HOLBROOK,

## Respondents.

No. C12-5455 RBL/KLS

## ORDER DIRECTING SUBSTITUTION OF PARTY

Mr. Sykes has filed a petition for writ of habeas corpus naming the State of Washington, Steve Sinclair, and Donald Holbrook as Respondents. ECF No. 4. The proper respondent to a habeas petition is the “person who has custody over [the petitioner].” 28 U.S.C. § 2242; see also § 2243; *Brittingham v. United States*, 982 F.2d 378 (9th Cir. 1992); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). According to his petition, Mr. Sykes is currently confined at the Washington State Penitentiary in Walla Walla, Washington. The Superintendent of the Washington State Penitentiary is Stephen D. Sinclair.

Accordingly, the Clerk of Court is directed to substitute Stephen D. Sinclair as the Respondent in this action. The Clerk shall send copies of this Order to Petitioner and counsel for Respondent.

**DATED** this 8th day of June, 2012.

Karen L. Strombom  
Karen L. Strombom  
United States Magistrate Judge